



Department of Health
and Human Services

Maine People Living
Safe, Healthy and Productive Lives

John E. Baldacci, Governor

Brenda M. Harvey, Commissioner

Department of Health and Human Services
Licensing and Regulatory Services
41 Anthony Avenue
11 State House Station
Augusta, Maine 04333
Tel: (207) 287-9300; Toll Free: 1-800-791-4080
Fax: (207) 287-9307; TTY: 1-800-606-0215

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To: Licensed Providers, Residential Care and PNMI Programs

Fr: *CMB* Catherine M. Cobb, Director, Division of Licensing and Regulatory Services

Re: **Guidance to Completing the Room Temperature Waiver**

10-144 C.M.R. Ch. 113, Regulations Governing the Licensing and Functioning of Assisted Housing Programs, including Residential Care Facilities Levels I, II, III, IV, and Private Non-medical Institutions Levels I, II, III, IV,

Our office is beginning to receive waiver requests and to avoid significant delays in approving a waiver our office is providing some guidance when completing your request.

Our regulations regarding waivers require the applicant/licensee to describe an alternative method that will comply with the intent of the regulation. This means the provider might need to consider having other measures available to ensure the comfort of residents. Every waiver request is decided on its own merits and therefore one request will not be accepted for all facilities owned by an individual or company. Since facilities serve a variety of resident populations and medical needs you will need to make a case that your alternative plan will not have a negative impact on residents. Waivers that are approved by the division will be time limited. Since circumstances change in this environment it is the administrator's/provider's responsibility to assess whether the waiver in place continues to serve the needs of residents. If circumstances around the original waiver approval do change the division needs to be notified in writing immediately.

Multi-level residential care facilities and PNMI's (those attached to nursing facilities) may face additional challenges if the heating systems are combined. Nursing facilities are subject to separate regulations addressing room temperature.

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